

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
May 12, 2009

The City Council convened in Regular Session on Tuesday, May 12, 2009, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Larry Muench presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Michael Klinghammer, Bob Kneemiller, and Jerry Reese. Absent: Laurie Feldman, Ron Stivison, Richard Veit, and Michael Weller. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office. File #47000

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

A motion was made by BOB KNEEMILLER to excuse the absences of Councilmembers Laurie Feldman, Ron Stivison, Richard Veit, and Michael Weller. MICHAEL KLINGHAMMER seconded the motion. All voted in favor, motion passed.

PUBLIC HEARINGS

The President of the Council Larry Muench announced that the following Public Hearings would now be held. At the conclusion of the hearings, the Regular Session continued with the order of business:

- A. Establishment of the Truman Boulevard Community Improvement District Pursuant to the Missouri Community Improvement District Act, Sections 67.1401 through 67.1571, inclusive, RSMo. on Approximately One-Hundred Four (104) Acres Located at the Southeast Corner of the Intersection of Harry S Truman Boulevard and Missouri State Route 370 and Generally North of the Norfolk and Southern Railroad Line (**Council Bill 9937**)
- B. Proposed Redevelopment Project and Grant of Partial Real Property Tax Abatement Pursuant to Missouri's Urban Redevelopment Corporations Law for Certain Property Containing Approximately Ninety-Nine (99) Acres Located at the Southeast Corner of the Intersection of Harry S Truman Boulevard and Missouri State Route 370 and Generally North of the Norfolk and Southern Railroad Line (**Council Bill 9937**)

RESOLUTIONS/AWARDS/PROCLAMATIONS

Debut of Three New Public Service Announcements by the City's Youth Advisory Committee

The Honorable Mayor Patricia M. York introduced the following members of the Youth Advisory Committee present: Danny Brougham, Will Kleine, Caleb Krenning, Nick Lloyd, Neal Mahoney, and Sarah Semmel. Mayor York also recognized the two Adult Advisors Pam Castellano and Jim Dreyer. Youth Advisory Committee Chairperson Caleb Krenning gave an introductory statement relative to the public service announcements. The following public service announcements were shown:

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“Drinking and Driving” created for High School Students

“Don’t be a Cyber Bully” created for Junior High School Students

“Please Recycle” created for Grade School Students

Councilmember Bob Kneemiller requested that the public service announcements be made available to other local stations. Youth Advisory Committee Adult Advisor Jim Dreyer stated that they plan on making the announcements available to the local schools, Lindenwood University, and St. Charles County.

Presentation of Proclamation Proclaiming May, 2009 as “Brain Tumor Awareness Month” in the City of St. Charles

The Honorable Mayor Patricia M. York read a proclamation proclaiming the month of May as Brain Tumor Awareness Month.

Presentation of Proclamation Proclaiming May 10 through 16, 2009 as “National Police Week” in the City of St. Charles

The Honorable Mayor Patricia M. York read a Proclamation declaring May 10, 2009, through May 16, 2009, as “National Police Week”. Police Chief Dennis Corley, along with several members of the Police Department, accepted the proclamation.

Presentation of High School Senior Scholarships

President of the Council Larry Muench presented \$1,000 scholarships to the following High School Seniors for the essays written entitled “If I Were Mayor”:

Casey Fancher – Francis Howell North High School

Samantha Fix – St. Charles High School

Gregory Katterhenry – Lutheran High School

Neal Mahoney – St. Charles West High School

John Haehnel – Orchard Farm High School

President of the Council Larry Muench announced that the winning essays are displayed on the City’s Website.

A Resolution of Official Intent of the City Council of St. Charles, Missouri, Toward the Issuance of the City’s taxable Industrial Revenue Bonds to Finance a Project for Mitek Industries, Inc.; Authorizing the issuance of a Project Exemption Certificate; and Authorizing Certain Actions Relating Thereto (*Sponsor: Michael Klinghammer*)

Councilmember Michael Klinghammer withdrew the Resolution from Council consideration pending additional information.

File #47134

A Resolution Authorizing the City of Saint Charles, Missouri to Apply For the Fiscal Year 2009 Assistance to Firefighters Grant from the United States Department of Homeland Security and Authorizing the Mayor and City Clerk to Sign All Necessary Documents on Behalf of Applicant (*Sponsor: Michael Klinghammer*)

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Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Beckering, and Ermeling

"Nay": None

Absent: Feldman, Stivison, Veit, and Weller

Approved by the Honorable Mayor on May 15, 2009 and is known as **Resolution R09-09**

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bill 9923 Approving the Record Plat for Truman Business Center

Jim Exler, Zavrados Engineering, Inc., 2045 South Old Highway 94, appeared on behalf of Zee Properties, in favor of Council Bill 9923.

Council Bill 9926 Approving a Certain Transportation Project; Authorizing the Mayor to Execute a Development Agreement By and Among the City Of Saint Charles, Missouri, RCP-N, L.L.C., and the First Capitol Drive Transportation Development District; and Declaring Necessary the Taking by the District of a Certain Parcel of Land and the Interest Taken in that Parcel Pursuant to Section 238.247.1 of the Transportation Development District Act

Keith Hazelwood, 420 Clark Street, representing the owners, spoke in favor of Council Bill 9926.

Tom Besselman, 550 Jackson, requested that information be communicated to the public relative to this type of project.

Council Bill 9925 Allowing Basketball Goals in Cul-De-Sacs and Eyebrows

Becca and **Emily**, spoke in favor of Council Bill 9925.

PUBLIC COMMENT RELATIVE TO CITY ISSUES

Tom Besselman, 550 Jackson, requested that information relative to issues brought forward at a public meeting be communicated to all residents. President of the Council Larry Muench requested that Director of Administration Michael Spurgeon forward the information requested to Mr. Besselman.

BILLS FOR FINAL PASSAGE

Bill 9923

An Ordinance Approving the Record Plat for Truman Business Center, a Subdivision of the City of Saint Charles, Missouri (*Sponsors: Michael Klinghammer and Jerry Reese*)

Passed "Aye": Kneemiller, Muench, Reese, Beckering, Ermeling, and Klinghammer

"Nay": None

Absent: Stivison, Veit, Weller, and Feldman

Approved by the Honorable Mayor on May 15, 2009 and is known as **Ordinance 09-89**

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Bill 9924

An Ordinance Authorizing a Right-of-Way Encroachment License Agreement with Picasso's Coffeehouse for the Construction, Operation and Maintenance of a Sidewalk Café Located at 101 North Main Street (*Sponsors: Richard Veit and Michael Klinghammer*)

Passed "Aye": Kneemiller, Muench, Reese, Beckering, Ermeling, and Klinghammer
"Nay": None
Absent: Stivison, Veit, Weller, and Feldman

Approved by the Honorable Mayor on May 15, 2009 and is known as **Ordinance 09-90**

Bill 9925 (Substitute Bill No. 1)

An Ordinance Amending Chapter 54 of the Code of Ordinances of the City of St. Charles, Missouri by Amending Section 54.015 Pertaining to Bonfires; Flying Kites; Playing Ball and Section 54.030 Pertaining to Obstructing Streets and Sidewalks to Allow Basketball Goals in Cul-De-Sacs and Eyebrows (*Sponsors: Michael Klinghammer, Richard Veit, and Laurie Feldman*)

A separate vote was taken on Council Bill 9925, with the following results:

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Beckering, and Ermeling
"Nay": None
Absent: Stivison, Veit, Weller, and Feldman

Approved by the Honorable Mayor on May 15, 2009 and is known as **Ordinance 09-91**

Bill 9926

An Ordinance Approving a Certain Transportation Project; Authorizing the Mayor to Execute a Development Agreement By and Among the City Of Saint Charles, Missouri, RCP-N, L.L.C., and the First Capitol Drive Transportation Development District; and Declaring Necessary the Taking by the District of a Certain Parcel of Land and the Interest Taken in that Parcel Pursuant to Section 238.247.1 of the Transportation Development District Act (*Sponsor: Larry Muench*)

Passed "Aye": Kneemiller, Muench, Reese, Beckering, Ermeling, and Klinghammer
"Nay": None
Absent: Stivison, Veit, Weller, and Feldman

Approved by the Honorable Mayor on May 15, 2009 and is known as **Ordinance 09-92**

Bill 9927

An Ordinance Authorizing an Administrative Services Agreement Between the City of St. Charles and the International City Management Association Retirement Corporation ("ICMA-RC") (*Sponsor: Larry Muench*)

Passed "Aye": Kneemiller, Muench, Reese, Beckering, Ermeling, and Klinghammer
"Nay": None
Absent: Stivison, Veit, Weller, and Feldman

Approved by the Honorable Mayor on May 15, 2009 and is known as **Ordinance 09-93**

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BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 9928

An Ordinance Repealing Ordinance No. 09-66 and Enacting a New Ordinance to Adopt Positions, Salary, Wages and Other Compensation for Employees; Reclassifying the PR/Communications Coordinator Position and Changing the Job Title, Reclassifying the Community Relations Liaison Position and Changing the Job Title; Changing the Street Maintenance Supervisor Job Title; and Deleting Positions, Compensation and Pay Grid for Certain Represented Employees of the Police Department. *(Sponsor: Larry Muench)*

Bill 9929

An Ordinance Authorizing a Temporary Parking License Agreement Between the City of St. Charles and the United States Postal Service to Provide 21 Parking Spaces in a Parking Lot Located at 104 North Fifth Street to Replace the Parking Spaces Eliminated at 112 South Fifth Street Due to the Fifth Street Widening Project. *(Sponsor: Larry Muench)*

Bill 9930

An Ordinance Authorizing a Property Acquisition and Easement Acquisition Agreement By and Between United States Postal Service and City of St. Charles for the Purchase of 7,212 Square Feet of Right of Way and 12,946 Square Feet of Temporary Construction Easement Needed for the North Fifth Street Corridor Improvement Project Phase 1 in an Amount of \$224,000 and Closing Costs. *(Sponsors: Larry Muench, and Richard Veit)*

Bill 9931

An Ordinance Authorizing an Agreement Between the City of St. Charles and Missouri Department of Economic Development for Receipt of Grant Funds from the Community Development Block Grant – Neighborhood Stabilization Program. *(Sponsor: Larry Muench)*

Bill 9932

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat One I-1-A, a Subdivision of the City of Saint Charles, Missouri. *(Sponsor: Michael Klinghammer)*

Bill 9933

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Two-A, a Subdivision of the City of Saint Charles, Missouri. *(Sponsor: Michael Klinghammer)*

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Bill 9934

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Six-A-1, a Subdivision of the City of Saint Charles, Missouri. (*Sponsor: Michael Klinghammer*)

Bill 9935

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Six-G, a Subdivision of the City of Saint Charles, Missouri. (*Sponsor: Michael Klinghammer*)

Bill 9936

An Ordinance Finding and Declaring that the Acquisition of Certain Lands for the Highway 94 & Zumbahl Road/Friedens Road Improvement Project is Declared to be Necessary for Municipal Purposes, and Authorizing Acquisition of Said Land. (*Sponsors: Laurie Feldman, Bob Kneemiller*)

Bill 9937

An Ordinance Finding that a Certain Blighted Area Exists in the City of Saint Charles and that the Redevelopment of Such Area Is Necessary and in the Public Interest; Adopting a Development Plan for the Area; Approving a Grant of Limited Tax Abatement; Approving a Development Project and a Development Agreement; Approving a Petition for Establishment of a Community Improvement District; Establishing The Truman Boulevard Community Improvement District; and Providing for Other Related Matters, All Pursuant to the Urban Redevelopment Corporations Law and the Community Improvement District Act. (*Sponsors: Jerry E. Reese, Michael Klinghammer*)

Bill 9938

An Ordinance Approving a Second Amended and Restated Convention Center Cooperation Agreement with the St. Charles County Convention and Sports Facilities Authority (*Sponsors: Larry Muench, Richard Veit, Laurie Feldman, Ron Stivison and Erv Ermeling*)

CONSENT AGENDA

Councilmember Bob Kneemiller removed *Item 9.E.2. Contract with LePique & Orne for Part I of the Fire Station Design scope of work and construction estimates in the amount of \$66,400.00* from the Consent Agenda. A motion was made by DAVE BECKERING to receive and approve the balance of the Consent Agenda. BOB KNEEMILLER seconded the motion. A roll call vote was taken, with the following results: "Aye": Reese, Beckering, Ermeling, Klinghammer, Kneemiller, and Muench. "Nay": None. Absent: Stivison, Veit, Weller, and Feldman. Motion passed.

- A. Approval of Council Minutes
 - 1. None
- B. Approval of Council Committee Reports
 - 1. None

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- C. Receipt of Reports from Boards, Commissions or Committees
1. Beautification Commission Meeting of February 4, 2009
File #47101
 2. Youth Advisory Commission Meeting of April 2, 2009
File #47044
 3. Planning and Zoning Commission Meeting of March 23, 2009
File #47058
 4. Oktoberfest Committee Meeting of March 30, 2009
File #47112
 5. Oktoberfest Committee Meeting of April 13, 2009
File #47112
 6. Economic Development Commission Meeting of March 5, 2009
 - a. Motion to write letter of endorsement, recommending that the St. Charles City Council also endorse Greater St. Charles Fashion Week of September 13-19, 2009
File #47043
 7. Economic Development Commission Meeting of April 2, 2009
File #47043

- D. Receipt of Reports of the Director of Administration
1. April Investment Report
Councilmember Bob Kneemiller requested that a summary be included in the monthly report indicating whether the investments are on target with the Budget.
File #47057

- E. Approval of Contracts and Easements from \$30,001 - \$99,999
1. Supplemental Agreement #3 with Farnsworth Group for South Main Reconstruction Project (Boone's Lick south to Reservoir Street) for an amount not to exceed \$16,000 plus reimbursable expenses not to exceed \$1,000. Total contract value not to exceed \$85,490.00
File #47135
 2. Contract with LePique & Orne for Part I of the Fire Station Design scope of work and construction estimates in the amount of \$66,400.00

REMOVED FROM THE CONSENT AGENDA

- F. Preliminary Plats
None

- G. Miscellaneous
1. Receipt of the Plaza at Noah's Ark Community Improvement District Annual Report for 2008
Councilmember Bob Kneemiller requested that an annual meeting be scheduled with taxing entities providing an update on CIDs, TIFs, etc.
File #47137

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2. Receipt of the Elm Point Commons Community Improvement District Annual Report for 2008

Councilmember Bob Kneemiller requested that an annual meeting be scheduled with taxing entities providing an update on CIDs, TIFs, etc.

File #47138

3. Receipt of the Fairgrounds Road Community Improvement District Annual Report for 2008

Councilmember Bob Kneemiller requested that an annual meeting be scheduled with taxing entities providing an update on CIDs, TIFs, etc.

File #47139

4. Receipt of the Veteran's Memorial Parkway Community Improvement District Annual Report for 2008

Councilmember Bob Kneemiller requested that an annual meeting be scheduled with taxing entities providing an update on CIDs, TIFs, etc.

File #47140

5. Receipt of the St. Charles Riverfront Community Improvement District Annual Report for 2008

Councilmember Bob Kneemiller requested that an annual meeting be scheduled with taxing entities providing an update on CIDs, TIFs, etc.

File #47141

6. Report of Court Administrator of Monies Collected and deposited during the month of April 2009

Councilmember Bob Kneemiller requested that a summary be included in the monthly report indicating whether the revenue collected is on target with the Budget.

File #47056

ITEMS REMOVED FROM THE CONSENT AGENDA

Item 9.E.2. Contract with LePique & Orne for Part I of the Fire Station Design Scope of Work and Construction Estimates in the amount of \$66,400.00

Councilmember Bob Kneemiller voiced concern at the inclusion of the statement relative to reimbursables up to 8% of the project cost on the proposal of LePique & Orne. A motion was made by BOB KNEEMILLER to approve the contract with LePique & Orne for Part I of the Fire Station Design Scope of Work and Construction Estimates in an amount not to exceed \$66,400, with the deletion of the language in the rectangle box on Page 2 of 2 of the Proposal which reads "SCNA fee is based on an Owner estimated project scope that has a construction cost of \$2,975,000 (17,000 s.f. x \$175 psf) - this proposed fee is based on 20% of the total a/e design fee, plus reimbursables, up to but no less than 8% of the total, projected construction cost".

MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the following results: "Aye": Muench, Reese, Beckering, Ermeling, Klinghammer, and Kneemiller. "Nay": None. Absent: Stivison, Veit, Weller, and Feldman. Motion passed.

File #47136

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REPORT OF THE MAYOR

Appointments to Boards and Commissions

A motion was made by BOB KNEEMILLER to approve the following appointments to Boards and Commissions as presented by the Honorable Mayor Patricia M. York:

Convention and Visitors Commission: Appointment of Scott Newcomer for a term ending in April, 2012

Parks and Recreation Board: Reappointment of Valerie Lanning and Katherine Mudrovic for 3 year terms ending in May, 2012.

Personnel Board: Appointment of Molly Reilly to fill a vacant term ending in January, 2011. Appointment of Dennis Hahn and Tom Houska to fill vacant terms ending in January, 2012.

Senior Citizens Advisory Board: Appointment of Phyllis O'Laughlin to fill a vacant term ending in February, 2012.

DAVE BECKERING seconded the motion. A roll call vote was taken, with the following results: "Aye": Beckering, Ermeling, Klinghammer, Kneemiller, Muench, and Reese. "Nay": None. Absent: Stivison, Veit, Weller, and Feldman. Motion passed.
File #47006

Written and/or Verbal Messages from the Mayor

St. Charles Visitors Guide. The Honorable Mayor Patricia M. York announced that the new St. Charles Visitors Guide are available; and requested input from the Councilmembers whether to provide the guides to all residents.

Time Traveler Living History. The Honorable Mayor Patricia M. York announced that the Time Traveler Living History Event commenced on May 2, 2009, and will continue on Saturdays and Sundays through June 21, 2009.

Lewis & Clark Heritage Days. The Honorable Mayor Patricia M. York announced that the Lewis & Clark Heritage Days Event is scheduled for May 16-17, 2009, in Frontier Park.

Historic Children's Festival. The Honorable Mayor Patricia M. York announced that the Historic Children's Festival is scheduled for May 16, 2009, at the First State Capitol Building.

Music on Main. The Honorable Mayor Patricia M. York announced that the first Music on Main is scheduled for Wednesday, May 20, 2009, in the 100-300 Blocks of Main Street.

Hot Summer Nights. The Honorable Mayor Patricia M. York announced that the first Hot Summer Nights is scheduled for Saturday, May 23, 2009, on North Main Street.

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Memorial Day Service. The Honorable Mayor Patricia M. York announced that a Memorial Day Service is scheduled at the Veterans Memorial at Bishop's Landing.

St. Charles Municipal Band. The Honorable Mayor Patricia M. York announced that the St. Charles Municipal Band will perform in Frontier Park every Thursday from June 4, 2009, through August 24, 2009.

Shakespeare in the Park. The Honorable Mayor Patricia M. York announced that Shakespeare in the Park is scheduled for June 19-21, 2009; and June 26-28, 2009.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Written and/or Verbal Messages from the Councilmembers

Rescheduling of the May 19, 2009, Regular Council Meeting. Councilmember Dave Beckering announced that the Regular Council Meeting of May 19, 2009, was rescheduled to May 12, 2009; therefore, there will not be a Regular Council Meeting next week.

Spring Free Yard Waste Pick-Up. Councilmember Bob Kneemiller stated that the Spring Free Yard Waste Pick-Up on May 6, 2009, was a success; and that the City will discuss the possibility of providing a Fall Free Yard Waste Pick-Up.

Recycling. Councilmember Bob Kneemiller requested that the report on recycling provided by Allied Waste also include a comparison with last year's recycling.

The Regular Council Meeting was adjourned at 8:08 p.m.

June 2, 2009
Date Approved
Marilyn L. M. Coz
City Clerk

L. Muench
Larry Muench, Presiding Officer